

## Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 IOE-00 CIAE-00 COME-00 EB-07 INR-07

LAB-04 NSAE-00 SIL-01 OIC-02 L-03 SS-15 SP-02

NSC-05 SSO-00 NSCE-00 INRE-00 AF-10 ARA-10 EA-07

EUR-12 NEA-10 USIE-00 /110 W

-----161126Z 090507 /15

O R 160907Z JUN 77

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 8278

INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 4813

IO FOR DALLEY

S/IL FOR BOWIE

LABOR FOR SECRETARY MARSHALL AND ILAB

E.O. 11652: GDS

TAGS: PLAB, ILO

SUBJ: 63RD INTERNATIONAL LABOR CONFERENCE: ARTICLE 17 AMENDMENT

1. SUMMARY: EFFORTS ARE PRESENTLY UNDERWAY, WITH THE ASSISTANCE OF THE DIRECTOR GENERAL AND THE PRESIDENT OF THE CONFERENCE, TO SET UP A DRAFTING GROUP TO CONSIDER ARTICLE 17. THIS EFFORT APPEARS TO BE THE ONLY WAY TO MOVE ART. 17 TO THE FLOOR OF THE CONFERENCE BUT SEEMS TO HAVE LITTLE SUPPORT FROM LDCS AND THE SOCIALIST BLOC. DEPARTMENT MAY WISH TO REPEAT THIS MESSAGE TO APPROPRIATE POSTS. END SUMMARY.

2. LATE IN THE MORNING SESSION ON MAY, JUNE 13, THE COMMITTEE ON STRUCTURE BEGAN CONSIDERATION OF THE AMENDMENT TO ARTICLE 17 SENT TO THAT COMMITTEE BY THE SELECTIONS COMMITTEE. INITIAL REMARKS BY THE UK (SPEAKING ON BEHALF OF THE EC-9) SUPPORTED THE PRINCIPLE BEHIND THE GOVERNING  
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BODY PROPOSAL FOR AMENDMENT OF ARTICLE 17. UK SUGGESTED A WORKING GROUP SHOULD BE CONSTITUTED TO CONSIDER THE GB TEXT AND OTHER TEXTS AND TO REPORT TO THE COMMITTEE. FOLLOWING THE UK REMARKS, VARIOUS REPS FROM THE EC-9 AND AUSTRALIA ALSO SPOKE IN FAVOR OF THE TEXT, AND SUPPORTED THE IDEA OF A WORKING PARTY. AT THIS SESSION, ONLY THE GOVERNMENT OF IRAQ SPOKE AGAINST. HOLTEN

(EMPLOYER'S REPRESENTATIVE OF SWEDEN) INDICATED THAT HE AND OTHERS IN THE EMPLOYERS GROUP WERE WORKING ON AN ALTERNATIVE TEXT FOR SUBMISSION TO THE COMMITTEE THE NEXT DAY.

3. ON TUESDAY, JUNE 14, THERE WERE A SERIES OF 21 LONG INTERVENTIONS. THOSE WHO SPOKE AGAINST THE ARTICLE 17 AMENDMENT GENERALLY STATED THAT THEY WOULD NOT ADDRESS THE TEXT OF THE AMENDMENT SINCE: (A) MANY OTHER ISSUES ON THE COMMITTEE ARE NOT IN A TEXTUAL FORM AND IT WOULD NOT BE PROPER TO GIVE PRECEDENCE (IN DISCUSSION) TO ARTICLE 17 OVER THESE ISSUES; (B) IT COULD ONLY BE DISCUSSED IN THE CONTEXT OF OTHER STRUCTURE ISSUES; (C) THE AMENDMENT INFRINGED ON THE ROLE OF THE CONFERENCE; AND (D) THAT THE AMENDMENT WAS RESTRICTIVE AND ANTI-DEMOCRATIC.

4. THOSE WHO SPOKE IN FAVOR STRESSED THAT (A) THE AMENDMENT IS NOT A STRUCTURAL ISSUE; (B) THAT NO ONE HAS EXPRESSED OPPOSITION TO THE PRINCIPLE OF THE AMENDMENT; (C) THAT THE INTENT IS TO PROVIDE THE PROTECTION OF DUE PROCESS FOR ALL GOVERNMENTS; AND (D) TO RECOGNIZE THE LEGITIMACY OF THE FORMAL PROCEDURES IN THE ILO FOR INVESTIGATION OF COMPLAINTS.

5. A DISCORDANT NOTE WAS INJECTED IN THE COMMITTEE'S PROCEDURE BY THE INTRODUCTION OF AN ALTERNATIVE TEST ON BEHALF OF SOME OF THE EMPLOYERS. ALTHOUGH THE TEXT (REPORTED SEPTEL) HAS THE ADVANTAGE OF STRENGTHENING CONFIDENTIAL

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THE CALL FOR A WORKING GROUP TO WORK OUT DIFFERENCES, BETWEEN IT AND THE GB TEXT IT IS UNACCEPTABLE TO THE U.S.

6. HOROWITZE WAS THE LAST SPEAKER AT THE SITTING. HE SAID THAT HE HAD LISTENED WITH GREAT INTEREST TO ALL WHICH HAD BEEN SAID. HE INDICATED THAT HE DID NOT INTEND TO REVIEW THE HISTORY LEADING UP TO THIS COMMITTEE'S CONSIDERATION OF ARTICLE 17, BUT WOULD INSTEAD MAKE CERTAIN COMMENTS ON MATTERS WHICH HAD BEEN RAISED BY OTHER RSPEAKERS. HE NOTED THAT VERY FEW SPEAKERS HAD SPOKEN AGAINST THE PRINCIPLE OF NO CONDEMNATION WITHOUT INVESTIGATION. HE THEN STATED THAT THE INTENT AND THE PHRASING OF THE GB AMENDMENT MAKES NO MENTION OF PROHIBITING ALL POLITICAL ISSUES. HE RECOGNIZED THAT MANY LEGITIMATE AND VITAL ACTIVITIES OF THE ILO HAVE POLITICAL REPERCUSSIONS. HOWEVER, THE ILO HAS SPECIFIC AND DEFINED AREAS OF INTEREST. THEREFORE, THERE SHOULD BE NO CONDEMNATION OF MEMBER STATES ON MATTERS WHICH DO NOT

RELATE TO THE ILO, AND THAT THERE CAN BE NO CONDEMNATION WITHOUT INVESTIGATION--ESPECIALLY SINCE THE ILO HAS A WORLDWIDE REPUTATION FOR ITS IMPARTIAL PROCEDURES. HE DREW A STRONG DISTINCTION BETWEEN ARTICLE 17 AND OTHER STRUCTURE ISSUES, SUCH AS THE COMPOSITION OF THE GOVERNING BODY. HE THEN MENTIONED THAT HE WELCOMED SUGGESTIONS FOR MEETINGS ON STRUCTURE THIS WINTER, IF THE US IS STILL A MEMBER OF ILO AT THAT TIME. HE INDICATED THAT HIS MENTIONING OF THE U.S. WITHDRAWAL WAS NOT A THREAT, BUT AS A FACT. THE US WANTS TO MAINTAIN ILO PROCEDURES, AND ONE OF THE FUNDAMENTAL ISSUES IS THAT THE ILO MUST NOT CONDEMN WITHOUT INVESTIGATION. HE ASKED HOW IMPORTANT WAS THIS ISSUE TO THE OTHER MEMBERS. IT WAS A PRIORITY ISSUE TO THE US AND MUST BE FACED NOW IF THE CONFERENCE IS ABLE TO DEAL WITH IMPORTANT TECHNICAL MATTERS. HE THEN INDICATED THAT THE WAY TO PROCEED WAS TO CALL UPON A DRAFTING COMMITTEE TO SPELLOUT THE CONFIDENTIAL

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GENERAL AGREEMENT IN PRINCIPLE AND THE NEED TO AMEND ARTICLE 17. HE SAID IT IS UP TO THE COMMITTEE TO DECIDE IF IT WANTS TO PREVENT THE CONFERENCE FROM SOLVING, AND ADDRESSING, THE ISSUE. THE CONFERENCE ALONE CAN MAKE THE FINAL DECISION ON AMENDMENT OF ARTICLE 17.

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-----161126Z 090583 /12

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 4813

IO FOR DALLEY

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7. FOLLOWING THE COMMITTEE SITTING, CANADA CONVOKED AN INFORMAL GROUP TO MEETING THE AFTERNOON. THE COMPOSITION OF THE MEETING WAS TO INCLUDE REPRESENTATIVES OF IMEC, THE EMPLOYERS AND THE LDCS. AT THE MEETING, MEXICO, COLOMBIA, AND INDIA WERE IN ATTENDANCE FROM THE LDCS. HOLTEN (SWEDEN) AND SMETANA (US) REPRESENTED THE EMPLOYERS GROUP. IMEC WAS REPRESENTED BY CANADA, US, UK, NETHERLANDS, ITALY AND FRANCE. MR. MAINWARING (CANADA) MADE IT CLEAR THAT ARTICLE 17 WAS A PRIORITY MATTER FOR THIS CONFERENCE BECAUSE OF THE POSTURE OF THE US AND THE IMPORTANCE THE US ATTACHED TO IT. COLOMBIA AND MEXICO, ALLEGEDLY REPRESENTING "THE ATTITUDES" OF THE LDCS SAID THAT IT SIMPLY WOULD NOT BE POSSIBLE TO SUBMIT A TEXT FOR ADOPTION TO THIS CONFERENCE BECAUSE ARTICLE 17 WAS AN INTERGRAL PART OF ALL STRUCTURAL ISSUES.

8. HOROWITZ RESPONDED THAT ARTICLE 17 IS BEING HELD  
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HOSTAGE TO GAIN A BARGAINING HOLD ON OTHER ISSUES, AND THIS WILL ONLY REFLECT NEGATIVELY ON THE US DECISION. TO HOLD ARTICLE 17 HOSTAGE CAN ONLY MEAN THAT OTHERS DO NOT SHARE OUR CONCERN. HOWEVER, WHAT IS NECESSARY IN REGARD TO STRUCTURE IS TO DECIDE THE HOW, WHEN AND WHERE FUTURE MEETINGS ON STRUCTURE WOULD TAKE PLACE.

9. IN THE LENGTHY DISCUSSION, THERE WERE SOME NOTE-WORTHY POINTS. LOMBERA OF MEXICO STATED THAT THE AMENDMENT CANNOT BE SUBMITTED TO THE CONFERENCE BECAUSE IT WOULD NOT BE APPROVED BY MAINWARING (CANADA) SAID THE FUTURE OF THE ILO RESTED ON ACCEPTING A LEGITIMATE AMENDMENT.

10. USDEL IS WORKING WITH THE OFFICERS OF THE CONFERENCE TO SEEK A SOLUTION. HOWEVER, THESE ACTIVITIES ARE BEING DAMAGED NOT ONLY BY THE RELUCTANCE OF THE MAJORITY OF REPRESENTATIVES IN THE STRUCTURE COMMITTEE TO AGREE TO A DRAFTING GROUP TO CONSIDER THE TEXT, BUT ALSO THE G-77 POSITION ON STRUCTURE STATED AT THIS MORNING'S (JUNE 15) MEETING BY THE AMBASSADOR OF EGYPT: (A) THE ABOLITION OF PERMANENT SEATS ON THE GB; (B) THE ABOLITION OF THE VETO PROVISIONS IN ARTICLE 36; (C) THE APPOINTMENT OF THE DIRECTOR GENERAL BY THE CONFERENCE ACTING UPON THE RECOMMENDATION OF THE GOVERNING BODY; (D) THE REFORM

OF THE QUORUM PROCEDURES, AND MORE EQUITABLE REPRESENTATION ON ALL ILO BODIES, AND ESPECIALLY IN THE GROUPS. IN FURTHERANCE OF THESE POSITIONS, THE AMBASSADOR FORMALLY SUBMITTED A DRAFT RESOLUTION OF THE G-77 ON STRUCTURE. THIS RESOLUTION SHOULD BE CONSIDERED BY THE COMMITTEE FRIDAY.

11. AT PRESENT WE ARE WORKING AGAINST TIME AND AGAINST THE EFFORTS OF THE LDCS AND THE SOCIALIST BLOC. INFORMAL MEETINGS ARE GOING FORWARD TO SEPARATE OUT ARTICLE 17 FROM OTHER STRUCTURAL ISSUES AND TO ATTEMPT TO RESOLVE THE CONFIDENTIAL

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OBJECTIONS THE US AND IMEC COUNTRIES HAVE TO STRUCTURAL PROBLEMS, AS THE LDC CALL FOR A CONSTITUTIONAL CONFERENCE IN 1979. FURTHER HAPPENINGS WILL BE REPORTED IMMEDIATELY. SORENSON

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## Message Attributes

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Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009